APPENDIX

Supreme Court, U. S.
FILED
JAN 24 1973
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

No. 72-586

ELMER O. CADY, WARDEN,
Petitioner,

-v-

CHESTER J. DOMBROWSKI,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI FILED
OCTOBER 11, 1972
CERTIORARI GRANTED DECEMBER 11, 1972

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

No. 72-586

ELMER O. CADY, WARDEN,
Petitioner,

-v.-

CHESTER J. DOMBROWSKI,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

APPENDIX
INDEX

Page

Chronological List of Relevant Docket Entries 5

Petition for Writ of Habeas Corpus, Filed March 10, 1970 7

Return to Petition for Habeas Corpus, Filed March 25, 1970 18

Order Following Conference With the Court, Filed April 10, 1970 20

Page

Stipulation as to Contents of Record, Filed June 5, 1970 21

Decision and Order Denying Petition for Writ of Habeas Corpus, Filed December 2, 1970 22

Stipulation that Part of Record Be Retained in District Court, Filed January 20, 1971 28

Opinion of the United States Court of Appeals For the Seventh Circuit Reversing the Order of the District Court, Filed June 2, 1972 29

Order of the United States Court of Appeals For the Seventh Circuit Denying Rehearing, Filed July 24, 1972 29

Search Warrant for 1960 Dodge, Dated September 12, 1967, and Filed with Fond du Lac County Court on September 14, 1967 31

Indorsement on Warrant for 1960 Dodge and Return of Officer, Dated September 13, 1967, and Filed with Fond du Lac County Court on September 14, 1967 33

Search Warrant for 1967 Ford Thunderbird Dated September 12, 1967, and Filed with Fond du Lac County Court on September 14, 1967 35

Indorsement on Warrant for 1967 Ford Thunderbird and Return of Officer, Dated September 14, 1967, and Filed with Fond du Lac County Court on September 14, 1967 36

Page

Search Warrant for Farm, Farm Buildings and Home, Dated September 13, 1967, and Filed with Fond du Lac County Court on September 14, 1967 37

Indorsement on Warrant for Farm, Farm Buildings and Home, and Return of Officer, Dated September 14, 1967, and Filed with Fond du Lac County Court on September 14, 1967 38

Receipt for 1960 Dodge Sedan, Filed with Fond du Lac County Court on September 14, 1967 39

Receipt for 1967 Ford Thunderbird, Filed with Fond du Lac County Court on September 14, 1967 39

Transcript of Hearing on Request for Issuance of Search Warrants for 1960 Dodge Sedan and 1967 Ford Thunderbird, Held on September 12, 1967 40

Transcript of Hearing on Request for Issuance of Search Warrant for Farm, Farm Buildings and Home, Held on September 13, 1967 45

Transcript of Hearing on Returns on Search Warrants, Held on September 14, 1967 49

Decision and Order on Defendant's Motions, Filed in Fond du Lac County Court on June 18, 1968 55

Memorandum Decision on Motions after Verdict, Filed in Fond du Lac County Court on August 1, 1968 66

Page

Abridgment of Testimony from Exhibit C, Transcript of Proceedings of Trial in Fond du Lac County Court.

William Weiss 78

Richard F. Sorensen 105

Bruce S. Boudry 106

Raymond J. Howard 112

Kenneth E. Sundberg 149

Cleon Mauer 151

Patrick Whealon 162

Abridgment of Supplemental Testimony Offered in Support of Defense Motions, June 4, 1968, Fond du Lac County Court.

Raymond J. Howard 167

Daniel R. Sondergard 174

Certificate of Service 179

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHESTER J. DOMBROWSKI,
Petitioner,

vs. Case No. 70-C-129

ELMER CADY, Warden,
Respondent.

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES.

Document No.

1 3/10/70 Petition for a writ of habeas.

2 3/10/70 Order (KPG) granting leave to file petition in forma pauperis and directing respondent to file a return to the petition not later than 3/25/70 showing cause, if any, why writ should not issue and certifying the true cause of the detention.

4 3/25/70 Return to Petition for Habeas Corpus.

5 4/8/70 Traverse to Return to Petition for Habeas Corpus.

6 4/10/70 Order following conference with the court (RET). Evidentiary hearing, if any, will be limited to proof relating to the allegations of paragraph 10(c) of the petition. Briefs ordered in support of petition, etc.

7 6/5/70 Stipulation of the parties that Exhibits A, B, C, D, and E shall constitute the entire state court record for determination of this case, etc.

Document No.		
9	12/2/70	Decision and order (MLG) denying petition for a writ of habeas corpus.
10	12/14/70	Petitioner's Notice of Appeal to the U.S. Court of Appeals, 7th Circuit, from order entered on 12/2/70. (Copy mailed to Wm. Platz on 12/14/70).
11	12/14/70	Notice of Appeal to the U.S. Court of Appeals, from order entered on 12/2/70 filed by petitioner's attorney. (Copy mailed to W. Platz on 12/15/70).
12	12/14/70	Petition for Certificate of Probable Cause.
13	12/22/70	Certificate of Probable Cause granted (MLG).
14	1/20/71	Stipulation of the parties that part of record be retained in District Court, pursuant to Rule 11(f), Federal Rules of Appellate Procedure.
16	6/30/72	Mandate received from U.S. Court of Appeals, 7th Circuit ordering that judgment in District Court be reversed and that the case be remanded with direction to grant the relief prayed for in the petition unless the Wisconsin authorities grant Dombrowski a new trial within a reasonable period to be set by the District Court in accordance with the opinion filed June 2, 1972.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Chester J. Dombrowski Full name and prison number (if any) of Petitioner vs. Elmer Cady, Warden Name of Respondent	Case No. 70-C-129 (To be supplied by the Clerk of the District Court)

PETITION FOR WRIT OF HABEAS CORPUS, Filed March 10, 1970. [Document No. 1.] [Extraneous parts omitted in printing.]

1. Place of detention: Wisconsin State Prison, Waupun, Dodge County, Wisconsin

2. Name and location of court which imposed sentence: County Court - Br. II, Fond du Lac County, Wisconsin

3. The case number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

   (a) Case No. 77626

   (b) Murder - 1st degree - Section 940.01, Wisconsin Statutes

4. The date upon which sentence was imposed and the terms of the sentence:

   (a) August 1, 1968 - Sentenced to Life Imprisonment

5. Check whether a finding of guilty was made

   (b) after a plea of not guilty X